

REGION 6 EXECUTIVE SUMMARY

TOPIC: San Jacinto River Waste Pits Superfund Site

DATE: October 10, 2012

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PURPOSE/ACTION NEEDED: Extension of Deadline for Respondents to Invoke Dispute Resolution

DEADLINE DATE: June 6, 2013

BACKGROUND:

- Former waste pits used for disposal of paper mill wastes containing dioxins and furans.
- Time critical removal action (TCRA) completed by Respondents on July 2011, under Administrative Order on Consent (AOC), to cover waste pits (temporary cover) and prevent further releases to the river.
- EPA issued Unilateral Administrative Order for completion of a Remedial Investigation and Feasibility Study. Remedial Investigation in progress; expect Remedial Investigation and Feasibility Study completion in 2013; Record of Decision (ROD) scheduled for September 2013.

CURRENT ENFORCEMENT STATUS:

- Respondents and EPA have unresolved issues regarding potential AOC violations/stipulated penalties relating to the TCRA.
- EPA disapproved Respondents' Removal Action Completion Report (basis for one of violations), and EPA unilaterally completed the report; EPA and Respondents currently have an agreement to extend any dispute resolution rights Respondents have under AOC regarding EPA's disapproval. The last extension was for 90 days, and it expires June 6.

ENVIRONMENTAL/PUBLIC HEALTH CONCERNS:

- For the site generally, fish consumption advisories in place for San Jacinto River; persons should limit fish consumption to no more than one 8-ounce meal per month, and children under 12 and pregnant women should not eat any species of fish.

TECHNICAL CONCERNS:

- Some erosion of the TCRA cap constructed by Respondents was repaired in August 2012. EPA has asked the US Army Corps of Engineers, as well as the Respondents, to perform reviews of the cap design and construction.
- The Feasibility Study for the final remedy is ongoing, with the ROD planned for 9/27/13; diverting resources of EPA and Respondents into dispute resolution at this time might be counterproductive.

REGULATORY/LEGAL REQUIREMENTS:

- Respondents may have the right under the removal AOC, Docket No. 06-12-10, to invoke dispute resolution regarding EPA's decision to disapprove the Removal Action Completion Report and to modify the report itself.

COMMUNITY CONCERNS:

- Contamination of river and fish in the entire watershed.
- The EPA co-leads a Community Advisory Committee regarding Site activities. This committee includes the Texas Commission on Environmental Quality, Harris County, the Port of Houston, Houston Galveston Area Council, the Galveston Bay Foundation, and the Potentially Responsible Parties. This committee meets every other month regarding progress at the Site and community issues.
- The EPA is participating with the Houston Galveston Area Council (HGAC) to study impacts of discharges to the San Jacinto River and watershed.
- A Technical Assistance Grant has been awarded to Galveston Bay Foundation.

RECOMMENDATIONS:

- Agree to additional extension of time of 120 days for potential invocation of dispute resolution; new deadline should be after ROD signature date



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